

## PORTER V. CABRAL, ET AL

## DEPOSITION OF RICHARD DIMEO

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1 A A few.

2 Q Did the Stern Commission issue a report?

3 A Yes.

4 Q Did you ever read that report?

5 A I believe I did.

6 Q Do you recall actually receiving a copy of

7 the report?

8 A The day I received it, no. But I'm pretty

9 sure I read it.

10 MS. BAPOOJI: Can we just mark this as

11 Exhibit 1, please.

12 (Document marked Exhibit No. 1.)

13 BY MS. BAPOOJI:

14 Q Mr. DiMeo, I'm going to put this in front of

15 you so your attorney has his own copy.

16 A Thank you.

17 Q Before you turn to a page, why don't I ask

18 you a question. Do you think the employees

19 at the Suffolk County Sheriff's Department

20 viewed SID with apprehension?

21 MR. KIERNAN: I'm sorry. Could you

22 repeat the question?

23 MS. BAPOOJI: Let me ask it another way.

24 MR. KIERNAN: I don't remember what you

50

1 said. I just didn't hear it.

2 MS. BAPOOJI: I think I want to ask it

3 another way actually.

4 Q Do you think employees at the Suffolk County

5 Sheriff's Department viewed the activities of

6 SID with skepticism?

7 MS. CAULO: Objection.

8 MR. KIERNAN: Do you understand the

9 question?

10 A How do you mean, skepticism?

11 Q Did they fully trust SID?

12 A I don't know. I don't know. I don't know.

13 Q Did you ever think that some employees did

14 not trust SID?

15 A I'm sorry. Say that one more time.

16 Q Did you ever think some employees of the

17 Suffolk County Sheriff's Department did not

18 trust SID?

19 A Actually, I think -- I don't know. I think

20 they trusted us. I don't know if some didn't

21 trust us.

22 Q So it's possible that some didn't trust SID,

23 but you don't know?

24 MS. CAULO: Objection.

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1 MS. HARVEY: Objection.

2 A I don't know. I don't know.

3 Q Now, Mr. DiMeo, I've placed in front of you a

4 document that has been marked as Exhibit 1.

5 Take a moment to look at that and let me know

6 if you recognize it.

7 A The Stern Report, yes.

8 Q Is that the document you say you have read

9 before?

10 A I read the Stern Report before, yeah. I

11 would think this is the document, yeah. I'd

12 have to -- I can't recall all of its

13 contents, but I remember reading some of it,

14 especially that pertained to my department at

15 the time.

16 Q What do you recall the Stern Report saying

17 about your department?

18 A I recall that it was complimentary.

19 Q Did you do anything as a result of reading

20 the Stern Report in your department?

21 A Not that I recall. How do you mean, did I do

22 anything in result of that?

23 Q Let me ask it this way. Do you recall

24 whether the Stern Report made any

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1 recommendations?

2 A I'm not sure, but I think they would have

3 made recommendations for me to continue with

4 that tracking. I explained to them that I

5 wanted to develop it some more so I could

6 identify problem areas and that kind of stuff

7 by identifying individuals and -- I don't

8 know. I want to say wings, to specific areas

9 of institutions where there were more

10 problems than others and maybe to focus in on

11 those kinds of things and maybe identify

12 problems before they happen. That's my best

13 recollection. I'm not positive.

14 Q Do you recall any specific recommendations

15 that they had for your department?

16 A Do I recall -- no. At this point, no.

17 Q After you read the Stern Report, did you do

18 anything differently at SID?

19 A I don't think so. Not that I recall.

20 Q I'd ask you to just turn to Page 9 of

21 Exhibit 1 that's right in front of you,

22 Mr. DiMeo, Page 9 of 62, I just want to

23 direct your attention to the last paragraph.

24 I'm going to read the first line of the last

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1 paragraph on Page 9 of Exhibit 1. It says,  
 2 "The commission urges an aggressive attack on  
 3 the code of silence that prevents staff  
 4 members from reporting the misconduct of  
 5 fellow staff members."  
 6 A Yes.  
 7 Q Do you agree with that statement?  
 8 MS. CAULO: Objection.  
 9 MS. HARVEY: Objection.  
 10 A What do you mean?  
 11 MS. HARVEY: Does he agree the  
 12 commission should urge an aggressive attack?  
 13 Sorry.  
 14 Q Let me ask it this way. Do you recall  
 15 reading about the code of silence in the  
 16 Stern Commission Report now that I have put  
 17 this Exhibit 1 in front of you?  
 18 A No, no, I don't. Not right now. No, I  
 19 don't.  
 20 Q Would you agree that this report, Exhibit 1,  
 21 finds that there was a code of silence at the  
 22 Suffolk County Sheriff's Department?  
 23 MS. CAULO: Objection. The report  
 24 speaks for itself.

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1 MS. HARVEY: Objection.  
 2 MR. KIERNAN: I would object. This is a  
 3 62-page report. You've pointed to one line,  
 4 and clearly, my client hasn't had an  
 5 opportunity to review it in depth. So I'd  
 6 ask you not to ask your question that goes  
 7 far beyond the one sentence that you pointed  
 8 to unless you ask him to read the whole  
 9 thing.  
 10 MS. BAPOOJI: No, I'm not going to ask  
 11 him to this read the whole thing.  
 12 Q Mr. DiMeo, do you think there was a code of  
 13 silence at the Suffolk County Sheriff's  
 14 Department that prevented staff members from  
 15 reporting misconduct of fellow staff members?  
 16 MS. CAULO: Objection. Asked and  
 17 answered.  
 18 MR. KIERNAN: Objection.  
 19 A Many times. This is the thing I got upset  
 20 about. Thank you.  
 21 Q I'm just trying to see if having you read  
 22 this document --  
 23 A No, it doesn't.  
 24 Q -- changes --

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1 A No, it don't.  
 2 Q Do you disagree with the recommendation in  
 3 the Stern Commission and specifically that  
 4 line that I read regarding the code of  
 5 silence?  
 6 MS. HARVEY: Objection.  
 7 MS. CAULO: Objection.  
 8 MR. KIERNAN: My objection -- and I  
 9 think the point has been made before. The  
 10 sentence simply says that the Commission  
 11 urges an attack on what they deem to be a  
 12 code of silence. I'm not sure if you're  
 13 asking him if he agrees with the  
 14 recommendation or with the predicate  
 15 assumption, which he's already told you he  
 16 doesn't know about.  
 17 So could you differentiate between  
 18 whether or not he agrees with the  
 19 recommendation or with the predicate  
 20 assumption?  
 21 Q Do you agree with the recommendation in the  
 22 Stern Report regarding the code of silence?  
 23 MS. CAULO: Objection.  
 24 MS. HARVEY: Objection.

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1 MR. KIERNAN: That presumes the  
 2 predicate assumption. That's the issue.  
 3 He's already taken issue with the predicate  
 4 assumption.  
 5 Q Let me ask it this way. Mr. DiMeo, you said  
 6 you had read the Stern Report, correct?  
 7 A Yes, I did say that.  
 8 Q Did you disagree with the Stern Commission  
 9 Report?  
 10 MS. CAULO: Objection. As Mr. Kiernan  
 11 has indicated, it's a 62-page report that  
 12 references numerous recommendations from  
 13 fiscal responsibility to inmate grievances, a  
 14 whole host of issues.  
 15 BY MS. BAPOOJI:  
 16 Q Mr. DiMeo, I believe you said you read the  
 17 Stern Commission Report, did you not, at one  
 18 point?  
 19 A Yes, you're talking over two years.  
 20 Q When you read it, did you agree or disagree  
 21 with the report?  
 22 MR. KIERNAN: Objection on the same  
 23 basis. You're asking him questions that  
 24 could be buried in 62 pages. He could agree

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1 with parts of it and disagree with other  
2 parts of it. If you can answer the question,  
3 go ahead. I just caution you there are 62  
4 pages of text before you.  
5 MS. CAULO: Objection.  
6 A I understand. Your question is do I agree  
7 with this report? Maybe parts. I'm sure  
8 there may be parts I disagree with.  
9 Q Do you recall what parts you agreed with the  
10 Stern Commission Report on?  
11 A All the nice things they said about me. I'm  
12 serious.  
13 Q What nice things were those?  
14 A If my memory recalls -- and I'm not even sure  
15 about how many nice things they said, but I  
16 thought what they said was refreshing and  
17 complimentary to me. And I thought that was  
18 nice. I appreciated it.  
19 Q Was there anything you recall that the Stern  
20 Commission Report said that you did not agree  
21 with?  
22 A At this point, I can't recall whether there  
23 were things I didn't agree with or not. I  
24 know there was a few things I agreed with.

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1 The things I don't agree with, I'd have to  
2 read again, and if I read it all, I could  
3 probably tell you what I disagree with.  
4 Q After, Mr. DiMeco, you read the Stern Report,  
5 did you take any action in connection with  
6 the code of silence?  
7 MR. KIERNAN: Objection. I think you're  
8 putting a predicate assumption that he has  
9 already disclaimed any knowledge of. I don't  
10 know how he could possibly answer the  
11 question.  
12 MS. CAULO: I join in that objection.  
13 Q Do you need the question read back to you,  
14 Mr. DiMeco?  
15 A There is a question before me?  
16 Q Yes.  
17 A I guess I do. Yes, I'm sorry.  
18 (Reporter read question as recorded.)  
19 How do I answer this? I wasn't sure --  
20 I think I answered I wasn't aware of the code  
21 of silence. So my answer would be no if I  
22 didn't know about it.  
23 Q But you don't recall reading about the code  
24 of silence in the Stern Report?

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1 A I really don't. I really don't.  
2 Q Do you recall whether you read the whole  
3 Stern Report?  
4 A Knowing me, I doubt that I read this whole  
5 report.  
6 Q So it's possible you didn't read the entire  
7 report?  
8 A I'm sure I read parts.  
9 Q Do you recall which parts you did not read?  
10 A I want to say the parts that didn't concern  
11 me, but they all did. No, I don't recall  
12 what I did and didn't.  
13 Q And you just said that they all concerned me?  
14 A Well, anything that would go on at the jail  
15 that would be, you know, detrimental to an  
16 inmate or a corrections officer would concern  
17 me. If this report relates to those kinds of  
18 things, something that I was aware of would  
19 concern me.  
20 Q Now, Mr. DiMeco, I understand you said you  
21 were unaware of any code of silence; am I  
22 correct in that?  
23 A I don't, yeah. I said I don't know that  
24 there was a code of silence going on.

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1 Q Do you have any idea why the Stern Commission  
2 references a code of silence here on Page 9?  
3 A No.  
4 Q Sorry?  
5 A Nothing.  
6 Q Did the Stern Commission interview other  
7 people besides you in connection with issuing  
8 its report?  
9 A Yes.  
10 Q Who did they interview?  
11 A My understanding -- again, I wasn't with  
12 them. I wasn't present, but I thought they  
13 went in every department. I would imagine.  
14 It would be kind of foolish if they didn't.  
15 Q Did they speak to correction officers?  
16 A I would hope so.  
17 Q You don't know one way or another whether  
18 they did?  
19 A No, I couldn't specifically say they spoke to  
20 Corrections Officer Smith. I wouldn't know,  
21 but I would guess that they did.  
22 Q How many employees were working under you at  
23 SID at the time you were there?  
24 A Approximately nine, give or take.

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1 Q Did the Stern Commission interview any of  
2 those nine people that were working under  
3 you?  
4 A I believe they did.  
5 Q Do you know how many?  
6 A I believe all of them. I'm not positive, but  
7 that's my belief.  
8 Q If you could just turn to Page 48 of  
9 Exhibit 1 that's before you, Mr. DiMeo.  
10 A 48?  
11 Q Yes, please. 48 of 62.  
12 A I thought this was going to take a little  
13 while.  
14 Q We're already at Page 48. That's not so bad.  
15 A I'm on 48.  
16 Q Great. Now, I'm going to direct your  
17 attention to the third paragraph, okay?  
18 A The new SID operation?  
19 Q Yes. Why don't I read that? "The new SID  
20 operation has the confidence and trust of the  
21 Sheriff's Department administration.  
22 Although relations between SID staff and line  
23 staff are improving, there continues to be a  
24 strong element of distrust of SID by line

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1 staff, who view SID as the enemy."  
2 Mr. DiMeo, do you think there was an  
3 element of distrust of SID by line staff?  
4 MS. CAULO: Objection. Asked and  
5 answered.  
6 A I thought I answered that -- and I will  
7 answer it again as I thought they trusted us,  
8 me.  
9 Q Do you disagree with that statement that I  
10 just read in the Stern Commission Report?  
11 A I think, you know, you're pointing out one  
12 paragraph and asking -- I mean, I don't know  
13 what led up to that part. I would have to  
14 read the whole thing and see if I agree with  
15 that paragraph.  
16 Q Is there anything in that sentence -- and let  
17 me read it again. "Although relations  
18 between SID staff and line staff are  
19 improving, there continues to be a strong  
20 elements of distrust of SID by line staff who  
21 view SID as the enemy." Is there anything in  
22 that sentence that you agree with?  
23 A Some things, I guess. The SID operation, I  
24 think there was confidence and trust with SID

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1 and the administration hopefully was going to  
2 get to the inmates that we were serious about  
3 what we were doing.  
4 Q Why would that need to get to the inmates?  
5 A That they felt the same; that they could  
6 trust us in coming forwards with complaints.  
7 Q And that's because inmates felt that they  
8 couldn't trust?  
9 MS. CAULO: Objection.  
10 A I don't know. I don't know. I would want --  
11 I don't know. I don't know if they felt that  
12 way, but I certainly wanted to make sure they  
13 were comfortable in coming forward.  
14 Q Did you ever feel that they were not  
15 comfortable in coming forward?  
16 A Yes, some inmates probably weren't  
17 comfortable.  
18 Q Is that because they feared retaliation?  
19 A Feared retaliation, from whom? I don't know.  
20 From other inmates, from corrections  
21 officers?  
22 Q From other officers.  
23 A If I thought -- if they said that they were  
24 in fear of retaliation, then I would have to

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1 move them to another facility. I'm not sure.  
2 See, you're asking questions that take maybe  
3 sometimes a broader explanation or you need  
4 to be more specific. If you're asking me if  
5 an inmate was in fear and they explained that  
6 to me, then I would have to move them. A lot  
7 of them wouldn't tell you that if they were.  
8 Q Why is that?  
9 A Because they may not want to get transferred;  
10 they may be lying; they may not trust an  
11 officer.  
12 Q Why wouldn't they trust an officer?  
13 A I don't know. I don't know what they -- why  
14 they wouldn't trust them.  
15 Q You have no idea?  
16 A They are in an institution. No, no.  
17 Q But you still think there could be instances  
18 where they wouldn't trust an officer, but you  
19 don't know why?  
20 A I'm sure that happens, yeah.  
21 Q Why are you sure it happens?  
22 A Well, I would think they would be in fear  
23 of -- again, it would depend on the  
24 situation. You'd have to be more specific.



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1 Q What would they be in fear of?

2 A Are they inmates being transferred, losing a

3 visit.

4 Q Would they be in fear of a correction officer

5 taking some adverse action against them?

6 MS. CAULO: Objection.

7 MR. KIERNAN: I'm objecting, because

8 it's a hypothetical, and I'm not sure what

9 you are referring to, that is, what is the

10 underlying premise, that they have done

11 something or they have reported something.

12 I'm confused.

13 MS. BAPOOJI: Thank you. Let me

14 clarify.

15 Q Mr. DiMeo, I believe you said inmates would

16 be fearful -- did I understand that

17 correctly -- in terms of giving reports?

18 A Giving reports?

19 Q Making reports? Did I misunderstand what you

20 were talking about?

21 A If there was an allegation they may be in

22 fear -- if there was an allegation they may

23 be in fear, I think they would be reluctant,

24 yes, but again, I'm not sure they would

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1 always be forthcoming with that.

2 Q With that, what do you mean by that?

3 A If there was an allegation -- the inmate at

4 the institution, the best memory that I have

5 is the one who got beaten. He was, of

6 course, afraid that if he went back within,

7 that there would be retaliation by that

8 officer if he was still there. We would have

9 to transfer him. In that sense there would

10 be some fear. I would think that that would

11 be normal for him.

12 Q Do you think that fear was reasonable?

13 A In that particular instance, yeah.

14 Q Just getting you back to the line that I read

15 on Page 48 of the document, Exhibit 1, that's

16 in front of you, you said what you agreed

17 with. Is there anything in that sentence --

18 and I'll read it again. "Although relations

19 between SID staff and line staff are

20 improving, there continues to be a strong

21 element of distrust of SID by line staff who

22 view SID as the enemy." Is there anything in

23 that sentence that you disagree with?

24 MS. HARVEY: Objection.

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1 MS. CAULO: Objection.

2 MS. BAPOOJI: Can I just understand what

3 the objection is?

4 MS. HARVEY: You have already asked him,

5 and he told you that he didn't know about any

6 mistrust. This is their report. So you're

7 asking him whether he agrees with someone

8 else's findings after doing interviews. I

9 don't think he's able to testify to that.

10 MS. CAULO: Further, I think he also

11 previously indicated that he would need to

12 read all of the report leading up to that to

13 have an understanding where that particular

14 sentence came from and what it was based on.

15 BY MS. BAPOOJI:

16 Q Do you understand my question, Mr. DiMeo?

17 A Yes, again, I'd have to read it all to make

18 sure I understood what led up to this.

19 Q I'm focusing on that sentence that I read.

20 I'm happy to reread it if you need me to do

21 that. Was there anything in that sentence

22 that you disagreed with?

23 MS. CAULO: Objection.

24 MS. HARVEY: Same objection.

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1 MR. KIERNAN: My objection is I think he

2 just said he'd have to read the whole thing

3 to make a judgment.

4 A I thought I answered it the same way also.

5 Q Are you telling me that you can't answer

6 whether you --

7 A No, I'm not saying I can't answer it. What

8 I'm saying is I'd have to read the whole

9 thing to see how it leads up to that

10 paragraph and those sentences that you are

11 referring to before I could answer it.

12 Q Do you think line staff viewed SID as the

13 enemy?

14 A I don't know. I don't know where this came

15 from, so it's hard for me to say.

16 Q I'm not asking you now. I'm asking based --

17 A While I was there did I -- no. With the

18 officers that I -- no, with the officers I

19 spoke to. The dealings I had with officers,

20 no, I think they trusted us.

21 Q So you would disagree with that line in the

22 Stern Report that I read?

23 A Again, I would have to read the whole thing

24 to see what led up to that before I could

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1 answer that question. It would be difficult.

2 You're taking a paragraph out of 62 pages and

3 asking me to comment on one paragraph or

4 sentence.

5 Q And you can't do that?

6 A I didn't say I can't do that. What I said

7 was, if I read everything that led up to this

8 and read the whole report, then maybe I could

9 answer that question. I'm not trying to give

10 you a hard time honestly. I mean, you want

11 me to answer these honestly. I am doing the

12 best I can to answer these. You're asking me

13 very vague questions and broad questions, and

14 then you get specific on one paragraph when

15 there is 62 pages.

16 Q Are you able to understand that sentence,

17 Mr. DiMeo?

18 MS. CAULO: Objection.

19 MS. HARVEY: Objection. Anita, he's

20 told you that he does not agree that there

21 was an element of distrust. When you point

22 to this report and ask him if he agrees, he's

23 telling you he can't tell you whether this

24 report is all right, because he doesn't know

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1 who they are referring to. It seems clear as

2 day to me. I don't understand why you're not

3 getting that.

4 A I don't know who gave them that information,

5 where it came from. I have no idea.

6 Q You were interviewed by the Stern Commission,

7 weren't you?

8 A Ask me about that and maybe I can help you.

9 Q Did the Stern Commission ask you about that?

10 A About what?

11 Q About how SID was viewed by other people at

12 the Suffolk County Sheriff's Department?

13 A Not that I recall.

14 Q If you could turn to Page 52 of 62 --

15 A Yes.

16 Q -- do you see the first asterisk? And it

17 says, "Staff maintain a code of silence due

18 to concern about retaliation." I'm going to

19 read further. "Staff consistently expressed

20 concern that if they reported misconduct by

21 fellow staff they could expect retaliation

22 from their peers in the form of a slower

23 response time by the emergency response team

24 in the event the officer required backup."

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1 Now, Mr. DiMeo, did any staff express a

2 concern to you that they could expect

3 retaliation if they reported misconduct by a

4 fellow staff member?

5 A Did any staff report to me -- I'm sorry.

6 Read that back.

7 (Reporter read question as recorded.)

8 No, no, that would upset me.

9 Q Why would it upset you?

10 A If they said that to me, because that would

11 trouble me. If a staff member said to me --

12 now, I'm assuming that a staff member is a

13 corrections officer in this analogy and they

14 couldn't report abuse by another staff

15 member? No, that would upset me. I would

16 want to know why. Their responsibility is to

17 come forward and to make it a better place.

18 If there is some wrongdoing going on, I would

19 want to know it, and I would insist about

20 them telling me about it.

21 Q And you would be angry if you found out that

22 was happening?

23 A Angry, I don't know. I would want to do

24 something about it. That's for sure.

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1 Q But no one ever expressed that to you?

2 A Not that I recall. It's possible they did,

3 but I don't recall.

4 Q So now, the Stern Report, that portion that I

5 read --

6 A The asterisk?

7 Q Yes. You disagree with that asterisk?

8 MS. CAULO: Objection.

9 MS. HARVEY: Objection.

10 A You're back to the code of silence. I think

11 I answered that.

12 Q Would you disagree with that sentence that

13 staff maintain a code of silence due to

14 concern about retaliation?

15 MS. CAULO: Objection.

16 A Asked and answered.

17 Q Do you disagree with that?

18 MS. HARVEY: Are you asking him to tell

19 you whether he disagrees that staff told the

20 Stern Commission -- because that's what that

21 sentence says. Staff expressed concern.

22 That's what they're basing it on. You're

23 asking him to comment on whether the Stern

24 Commission was told by staff that they had

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1 this fear.

2 MS. BAPOOJI: I'm not asking him about

3 that sentence. I'm asking about the

4 sentence, asterisk, "Staff maintain a code of

5 silence due to retaliation."

6 MS. HARVEY: That sentence is based on

7 the staff consistently expressing concern to

8 the Stern Commission. He's told you what his

9 position is. Now, you're asking him to

10 comment whether he agrees or disagrees that

11 staff expressed concern to the Stern

12 Commission. That's what you're asking.

13 That's why we're objecting.

14 BY MS. BAPOOJI:

15 Q Let me ask it this way. Can you, Mr. DiMeo,

16 agree or disagree with the statement that

17 staff maintain a code of silence due to

18 concern about retaliation that I read in

19 Exhibit 1?

20 MS. HARVEY: Objection.

21 MR. KIERNAN: Are you asking whether or

22 not he agrees that the report says that, or

23 in his own experience, exclusive of what's in

24 the report? If it's the latter, he's

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1 answered it repeatedly. Is that what you're

2 asking?

3 MS. HARVEY: Repeatedly.

4 MR. KIERNAN: Is that what you're

5 asking?

6 MS. BAPOOJI: Yes.

7 MR. KIERNAN: Does he have any knowledge

8 of the staff maintaining a code of silence?

9 MS. BAPOOJI: No, I'm asking if he

10 agrees or disagrees with this statement in

11 the Stern Commission Report, that staff

12 maintain a code of silence due to concern

13 about retaliation.

14 MS. CAULO: Objection.

15 MR. KIERNAN: I can only repeat my

16 objection. I think you should differentiate

17 between what the report says and does he have

18 any knowledge of the staff maintaining a code

19 of silence.

20 MS. BAPOOJI: He's answered that.

21 MR. KIERNAN: He sure has.

22 MS. BAPOOJI: So all I'm asking is

23 whether he disagrees or agrees with this

24 statement.

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1 MS. HARVEY: That goes to my objection.

2 You want him to comment on whether the Stern

3 Commission was told by staff that they have

4 concerns, because that is what that says.

5 MS. CAULO: That is the same objection

6 I'm making.

7 A I think I answered that too. I don't know

8 where that's coming from. How could I answer

9 it?

10 Q So you couldn't agree or disagree with that

11 statement? Is that how I understand your

12 testimony?

13 A I don't know. I don't know where it came

14 from. I answered it.

15 Q Now, Mr. DiMeo, in terms of ranking at SID,

16 what position were you?

17 A In terms of ranking at SID what position was

18 I?

19 Q Yes.

20 A What do you mean?

21 Q Were you second in command, third in command?

22 A First.

23 Q You were first in command at SID?

24 A Yes.

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1 (Whereupon, a brief recess was held.)

2 BY MS. BAPOOJI:

3 Q Mr. DiMeo, do you know a Sheila Porter?

4 A This young lady right here?

5 Q You're indicating the woman sitting beside

6 me?

7 A Yes, I recognized her when I came in, and I

8 would think that that was Sheila Porter. I

9 think I met her once or twice really at the

10 House of Correction.

11 Q Do you recall in what context you met her?

12 A My guess is my physical when I got hired. Do

13 you want to hear about that?

14 Q That's okay.

15 A How come? You've gone over everything else.

16 Q Do you recall meeting her under any

17 circumstances?

18 A I've one line for this one. They didn't do

19 those kinds of exams.

20 Q I'm missing something.

21 A No, I did not.

22 Q Do you know what Sheila Porter did at the

23 Suffolk County Sheriff's Department?

24 A A nurse.

## PORTER V. CABRAL, ET AL

## DEPOSITION OF RICHARD DIMEO

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1 Q Did you know anything else about  
2 Sheila Porter?  
3 A Did I know anything else? I believe at one  
4 point the FBI told me that she was  
5 cooperating with them.  
6 Q When did the FBI tell you this?  
7 A I think it was near the end of my time there.  
8 Q Do you recall who it was that told you  
9 Miss Porter was cooperating with the FBI?  
10 A I believe it was the FBI. My God, two rocket  
11 scientists. I'm being sarcastic. I believe  
12 they told me, the two female FBI agents.  
13 Q Do you recall their names?  
14 A No. If you told me their names, I would  
15 probably know.  
16 Q Can you tell me about the circumstances under  
17 which they told you this information?  
18 A Only -- say that again, the circumstances?  
19 Q Yes, how did they come about to tell you this  
20 information.  
21 A I think I was at a meeting with them, and we  
22 were -- let me see. There were discussions.  
23 I don't know if it was -- I think I was told  
24 directly. Then I had a liaison who would

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1 meet with the FBI on occasion, and he would  
2 take their phone calls and report --  
3 information would go back and forth with the  
4 FBI. May I say Sheila, is that okay?  
5 Q That's fine.  
6 A I believe Sheila's name came up as working  
7 with the FBI in that context.  
8 Q In what context?  
9 A You know, information going back and forth.  
10 Q Between who and who?  
11 A My liaison with the FBI and the FBI, and I  
12 believe they told me once too.  
13 Q Who was your liaison?  
14 A At that time?  
15 Q Yes.  
16 A Neville Arthur.  
17 Q Now, you said there was a meeting that the  
18 FBI was present at, where they told you that  
19 Sheila Porter was cooperating with them.  
20 A I think when I sat down -- I know I went to  
21 their office, and I sat down with them. I  
22 think Sheila Porter's name came up then. I  
23 can't be positive, but I know at some point  
24 that I knew she was cooperating and helping

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1 out with the FBI.  
2 Q Why did her name come up?  
3 A I think we were watching -- at that point we  
4 were watching a corrections officer who was  
5 going to be bringing in drugs to an inmate,  
6 and I want to say that there was an inmate in  
7 there also who was cooperating with us in  
8 providing Sheila -- you don't mind my using  
9 your first name -- providing Sheila with  
10 information, because he would go to her  
11 office on a health issue, is my best memory,  
12 give her information that would be passed on  
13 to us or to the FBI.  
14 Q Who was this inmate?  
15 A I don't know. It would be in my tracking  
16 probably. I can't remember his name.  
17 Q Does the name, Rene Rosario, ring any bells?  
18 A I think -- is that the name that's in this  
19 Complaint?  
20 Q Beyond the Complaint.  
21 A No, no, it don't.  
22 Q Do you recall that name beyond the Complaint,  
23 ever hearing that name, Rosario?  
24 A Not that I'm aware of. I'm not sure. I

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1 can't say positively I do.  
2 Q When you say that Sheila Porter was  
3 cooperating with the FBI, how was she  
4 cooperating?  
5 A I think I just explained that. The inmate  
6 would -- there was another inmate informant,  
7 if you will, who was passing on information  
8 via Sheila Porter. That's my memory of it.  
9 Q And did that inmate do anything else to  
10 cooperate with the FBI?  
11 A No, I don't think so. Is there more to that  
12 question? No, I would have to say, no, not  
13 that I know of. I think he was looking for a  
14 transfer or a favor if that's what you mean.  
15 If there was something in it for him?  
16 Q No. What happened to that inmate?  
17 A I have a memory of an inmate wanting -- he  
18 was informing, helping us, because he wanted  
19 to be transferred also. That was part of his  
20 motivation. I want to say somewhere down the  
21 Cape. But I don't know if I'm mixing up  
22 investigations or not without all of my stuff  
23 in front of me.  
24 Q Do you know whether Sheila Porter ever helped



## PORTER V. CABRAL, ET AL

## DEPOSITION OF RICHARD DiMEO

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1 any other inmates besides that one you just  
2 mentioned?

3 A Helped? Define helped.

4 MS. CAULO: Objection to that question.

5 Q Do you know of any other instances besides  
6 what you just described where Sheila Porter  
7 cooperated with the FBI?

8 A No, again, we got a time frame here. I  
9 believe this was towards the end of my stay,  
10 so I was kind of on my way out. The new  
11 administration was there or almost there, and  
12 I was on my way out. So there isn't a hell  
13 of a lot of room that we're talking about in  
14 that time frame.

15 Q Who else was with you in that meeting where  
16 the FBI told you Sheila Porter was  
17 cooperating with them?

18 A My best memory is the two female FBI agents,  
19 possibly Neville, maybe their supervisor and  
20 me.

21 Q The FBI agents' supervisor?

22 A Yes, their SAC maybe. I don't know. I think  
23 that's the person in charge.

24 Q Did you ever learn anything else about

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1 asking. If you could interpret the term,  
2 whistleblower, before you answer, I think  
3 you'll be well served.

4 A The question again? Was she a whistleblower  
5 for the FBI?

6 Q Yes.

7 A I don't know other than what I read in that  
8 Complaint. Maybe I read it in the newspaper.  
9 Did I read it in a newspaper?

10 Q I don't know what you read.

11 A Those are the kinds of questions you're  
12 asking me.

13 Q I don't think that's fair.

14 A I do. It's a question of interpretation now.

15 Q Let me get this straight. You learned that  
16 Mrs. Porter was cooperating with the FBI as  
17 you were on your way out as you were about to  
18 retire; is that correct?

19 A Yes. Now, you know how many times I have  
20 answered that, right?

21 Q And the new sheriff was coming in?

22 A Yes.

23 Q And that would be Miss Andrea Cabral?

24 A Yes.

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1 Sheila Porter beyond what the FBI told you at  
2 that meeting?

3 A And beyond this report?

4 Q Not including that. I want you to exclude  
5 whatever you've read.

6 A I can't exclude that report if I have read  
7 it. I can't exclude things about it. So I  
8 have to refer to it. No.

9 MS. HARVEY: We're talking about the  
10 Complaint, not the Stern Commission Report?

11 MS. BAPOOJI: Yes, thank you.

12 THE WITNESS: No. Again, I'm on my way  
13 out.

14 Q And that's when you learned about  
15 Sheila Porter cooperating with the FBI, when  
16 you were on your way out?

17 A That one time that I referred to when I had  
18 the meeting with the FBI, yeah, near the end  
19 of my stay at the jail, that's correct. My  
20 stay meaning my employment.

21 Q Was Miss Porter a whistleblower to the FBI?

22 MS. CAULO: Objection.

23 MR. KIERNAN: Objection. That has a  
24 legal connotation. I don't know what you're

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1 Q Did you help Miss Cabral understand the way  
2 the SID department ran?

3 A Personally?

4 Q Yes.

5 A No.

6 Q Did you do anything to help any of her staff  
7 understand the way it was run?

8 A Yeah, she had a transition team. At that  
9 point, Viktor Theiss was part of the  
10 transition team with the former State  
11 Trooper, and I don't recall his name. Nice  
12 man. I can't recall his name. I'm sure that  
13 they were part of the transition team that  
14 was concerned with SID. I'm pretty sure that  
15 I talked at length with them, and I'm pretty  
16 sure they interviewed my entire staff.

17 Q Do you know why they were concerned with the  
18 SID?

19 A Did I use concerned?

20 Q I believe you did.

21 A I didn't mean it in that context, sorry.  
22 That that was their responsibility would be  
23 better put. I'm sorry.

24 Q That's okay. I didn't try to misinterpret

## PORTER V. CABRAL, ET AL

## DEPOSITION OF RICHARD DiMEO

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1 what you said. I just wanted to clarify. In  
 2 connection with you working and helping with  
 3 that transition process -- am I correct in  
 4 that, that you helped with the transition  
 5 process?  
 6 A By talking to them, yeah.  
 7 Q Did Miss Porter's name ever come up?  
 8 A I don't think so. No, I don't think so.  
 9 Q Did you ever tell Sheriff Cabral anything  
 10 about Miss Porter?  
 11 A No, not that I know of, no.  
 12 Q Did you ever speak to Viktor Theiss about  
 13 Sheila Porter?  
 14 A No.  
 15 Q Have you ever heard the name, Elizabeth  
 16 Keeley? I apologize, because I'm realizing  
 17 now as I see your reaction that you --  
 18 A I want to have fun with that one, but, yes, I  
 19 know Elizabeth.  
 20 Q Did you ever have conversations or  
 21 communications with Miss Keeley about  
 22 Miss Porter?  
 23 A No, I don't think so.  
 24 Q Besides you and Arthur Neville --

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1 A Neville Arthur.  
 2 Q Thank you. Was there anyone else to your  
 3 knowledge at the Sheriff's Department that  
 4 knew that Mrs. Porter was cooperating with  
 5 the FBI?  
 6 A Yes.  
 7 Q Who?  
 8 A Superintendent Pat Bradley and maybe Doc  
 9 Feeney, Richard Feeney.  
 10 Q Do you know how they came to know?  
 11 A Yes.  
 12 Q How?  
 13 A I told them.  
 14 Q Why did you do that?  
 15 A I believe it was part of my leaving, that I  
 16 was going over my tracking system and  
 17 debriefing, if you will, and I believe at  
 18 that point I explained to the  
 19 superintendent -- I can't recall what case,  
 20 but that case I was referring to, and I  
 21 mentioned that Sheila was part of that in  
 22 cooperating with the FBI.  
 23 Q Now, was Mr. Bradley and Mr. Feeney remaining  
 24 with the Sheriff's Department?

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1 A Were they?  
 2 Q Yes, when you told them.  
 3 A No, Doc was leaving. I think Doc may have  
 4 had an ongoing knowledge of that when I knew  
 5 him, because he was the superintendent.  
 6 Great guy. I trusted him with everything  
 7 also, and I thought that that was a  
 8 sensitive -- but anyway, I talked with Doc,  
 9 and I talked with the superintendent. He was  
 10 leaving on the same retirement plan as I.  
 11 Superintendent Bradley was staying on.  
 12 Q As part of that transition, did you have any  
 13 communications with Sheriff Cabral about the  
 14 SID division?  
 15 A Did I have? You know, I talked with the  
 16 sheriff. I welcomed her aboard. If  
 17 anything, it was small talk about it. So  
 18 just in passing kind of how are you, how are  
 19 things going and that kind of stuff. I hope  
 20 that answered your question.  
 21 Q As I understand it, in your communications  
 22 with her, the name, Sheila Porter, did not  
 23 come up?  
 24 A With the Sheriff?

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1 Q Yes.  
 2 A No, it did not.  
 3 Q Do you have any knowledge about an inmate  
 4 being placed with a wire by the FBI?  
 5 A A wire?  
 6 Q Yes.  
 7 A No, no.  
 8 Q Do you recall an instance where Miss Cabral  
 9 asked you to get her personnel file?  
 10 A Get her personnel file?  
 11 Q Correct.  
 12 A Get her personnel file? No. What personnel  
 13 file? She just came in.  
 14 Q Her personnel file at the Suffolk County  
 15 Sheriff's Department.  
 16 A No, I don't.  
 17 Q Mr. DiMeo, in May of 2000, were you aware of  
 18 a complaint made to the SID that one  
 19 investigator made a sexual remark to a female  
 20 colleague?  
 21 A Now, you realize I wasn't there at the time,  
 22 right?  
 23 MS. CAULO: May of 2000?  
 24 Q No, I didn't realize that. When did you

## PORTER V. CABRAL, ET AL

## DEPOSITION OF RICHARD DiMEO

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1 start again? I apologize. When did you  
2 start at the Sheriff's Department?  
3 A I thought it was July of 2001. Again, I said  
4 I might need some help with that.  
5 MS. HARVEY: I think he testified that  
6 it was July of 2000.  
7 THE WITNESS: 2000 or 2001?  
8 MS. HARVEY: Your previous testimony was  
9 2000.  
10 A It may have been.  
11 Q Are you aware of a complaint made by somebody  
12 at SID regarding a sexual remark made to a  
13 female colleague in SID?  
14 MS. CAULO: At what time frame?  
15 Q When you started in 2000.  
16 A That an SID investigator made a sexual remark  
17 to another SID person?  
18 Q To a female colleague.  
19 A No. You know, you might be able to help me  
20 with colleague. What do you mean by  
21 colleague?  
22 Q Somebody she worked with or somebody he  
23 worked with and if this sounds familiar at  
24 all to you --

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1 A What was my memory of -- what was my memory  
2 of conversations or information about SID,  
3 and I don't know if it was a wire or if it  
4 was about Sheila, just conversations at the  
5 end and debriefing, because I remember saying  
6 I talked with Superintendent Bradley about  
7 Sheila Porter. That was about the extent of  
8 it.  
9 Q Did you tell her anything else?  
10 A No.  
11 Q Did she ask any other further questions?  
12 A I think that was about the extent of it.  
13 Q When was that?  
14 A About a month ago, two months ago.  
15 Q Have you had any other contacts with counsel  
16 for the Sheriff's Department?  
17 A No.  
18 Q Have you ever been contacted by the U.S.  
19 Attorney's Office since you retired?  
20 A No.  
21 MS. BAPOOJI: If we could just take a  
22 brief movement, I think I may be done. I  
23 just want to confer with my client. Do any  
24 of you have any questions that you want to

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1 A It really don't. That would be something I'd  
2 remember.  
3 Q Just to close the loop, when I asked you  
4 about Miss Cabral's personnel file, did she  
5 ever ask you to get her personnel file at the  
6 District Attorney's Office?  
7 A Not that I know of.  
8 Q Since you retired, Mr. DiMao, have you been  
9 contacted about Sheila Porter?  
10 A No. Contacted about Sheila Porter? No.  
11 Q Has anyone asked you questions about  
12 Miss Porter?  
13 A No.  
14 Q Since you retired, has anyone asked you  
15 questions about communications you had with  
16 Sheriff Cabral?  
17 A No.  
18 Q Have you had communications since you retired  
19 with counsel for the Suffolk County Sheriff's  
20 Department?  
21 A Ellen?  
22 Q Yes.  
23 A Yes.  
24 Q What were those communications about?

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1 ask?  
2 MS. HARVEY: No.  
3 (Whereupon, a brief recess was held.)  
4 MS. BAPOOJI: Those are all the  
5 questions I have. Thank you so much,  
6 Mr. DiMao, for coming today.  
7 (Whereupon, the deposition was concluded  
8 at 1:01 p.m.)  
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PORTER V. CABRAL, ET AL

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CERTIFICATE

I, RICHARD DiMEO do hereby certify

that I have read the foregoing transcript of

my testimony, taken on Wednesday, June 22,

2005, and further certify it is a true and

accurate record of my testimony (with the

exception of the corrections listed below):

Page	Line	Correction

Signed under the pains and penalties of

perjury this \_\_\_\_ day of \_\_\_\_\_,

2005.

RICHARD DiMEO

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

DEPOSITION OF: RICHARD DiMEO

WEDNESDAY, JUNE 22, 2005

RE: PORTER V. CABRAL, ET AL

CASE NO. 04-11935-DPW

I, PATRICIA M. McLAUGHLIN, a Certified

Shorthand Reporter and Notary Public in and

for the Commonwealth of Massachusetts, do

hereby certify as follows:

1. That RICHARD DiMEO, the witness

whose testimony is hereinbefore set forth,

was duly recorded by me on Wednesday,

June 22, 2005;

2. That such testimony was transcribed

by me and is a true and accurate record of

the testimony given by the said witness, to

the best of my knowledge, skill and ability;

3. I further certify that I am neither

attorney for, nor related to or employed by

any of the parties, nor financially

interested in this matter; and

4. That a dash as used through this

transcript is meant to represent an

interruption in thought or between a question

and answer.

IN WITNESS THEREOF, I hereunto set my

hand and Notarial seal this 27th day of June,

2005.

Patricia M. McLaughlin  
Notary Public  
My Commission Expires:  
May 4, 2012